



Working to end sexual violence in Maryland

P.O. Box 8782
Silver Spring, MD 20907
Phone: 301-565-2277
Fax: 301-565-3619

For more information contact:
Lisae C. Jordan, Esquire
443-995-5544
www.mcasa.org

Testimony Opposing House Bill 1320
Lisae C. Jordan, Executive Director & Counsel
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The Maryland Coalition Against Sexual Assault (MCASA) is a non-profit membership organization that includes the State's seventeen rape crisis centers, law enforcement, mental health and health care providers, attorneys, educators, survivors of sexual violence and other concerned individuals. MCASA includes the Sexual Assault Legal Institute (SALI), a statewide legal services provider for survivors of sexual assault. MCASA represents the unified voice and combined energy of all of its members working to eliminate sexual violence in the State of Maryland. We urge the Judiciary Committee to report unfavorably on House Bill 1320.

House Bill 1320 – Child Against Child Sexual Offenses

This bill would impose criminal sanctions against a parent or guardian who knows or should have known their child offended against another child and failed to adequately supervise the offending child. While MCASA appreciates the intent of the bill, we respectfully oppose using the criminal justice system in these circumstances.

Children who offend against children do so for a range of reasons. Nancy D. Kellogg MD, explains in article published by the American Academy of Family Physicians:

Family stress and dysfunction, including violence, abuse, and neglect, can cause or exacerbate externalizing behaviors and sexual behavior problems in children. The number and frequency of sexual behaviors in children increase with the number of family stresses, including violence between parents, incarceration, deaths of family members, and illnesses requiring hospitalization. In a study of 201 children with sexual behavior problems, 48 percent were sexually abused, 32 percent were physically abused, 35 percent were emotionally abused, and 16 percent were neglected. One meta-analysis found that 28 percent of children who were sexually abused developed sexual behavior problems, with the highest prevalence in the youngest age groups. *Am Fam Physician*. 2010 Nov 15;82(10):1233-1238., <https://www.aafp.org/afp/2010/1115/p1233.html> (internal citations omitted).

Society's response to these children should be flexible enough to encompass supervision when appropriate but also to permit children to receive appropriate treatment and then be able to resume normal childhood activities when it is safe to do so. Parents and guardians who are negligent in supervision already face tort liability and adding criminal liability is unlikely to actually improve parental judgement. Finally, and perhaps most importantly, Maryland should increase its investment in sexual assault prevention, including preventing sexual assault against young people. Sadly, funding for sexual assault prevention activities was cut in many communities over the past several years. Maryland can and should reverse this trend. Our efforts should focus on preventing children from offending against other children instead of punishing parents.

**The Maryland Coalition Against Sexual Assault urges the
Judiciary Committee to report unfavorably on House Bill 1320**